

United States District Court  
for the  
Southern District of New York

DANIEL RINCON, Plaintiff )

v. )

BUILDING SERVICE 32BJ HEALTH FUND )  
and BOARD OF TRUSTEES OF BUILDING )  
SERVICE 32BJ HEALTH FUND, Defendants )

Civil Action No.:  
08 Civ. 00393 (SAS)

WAIVER OF THE SERVICE OF SUMMONS

To McCormick Dunne & Foley:

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

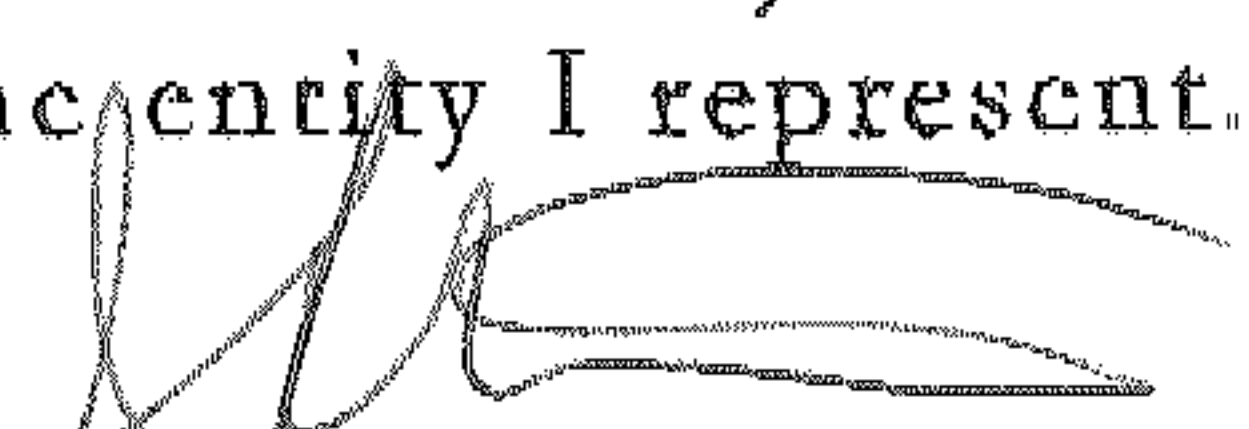
I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I understand that I, or the entity I represent, must file an answer or a motion under Rule 12 within 60 days from January 16, 2008, the date on which this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

2/13/08

  
(Signature of attorney or  
unrepresented party)

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(Printed name)  
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